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June 1, 2022

VIA CM/ECF

Hon. Valerie Figueredo
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 17A
New York, NY 10007

**Re: DBW Investments, LLC, et ano. v. VNUE, Inc.
Case No. 21-cv-8103 (VSB)**

Dear Magistrate Judge Figueredo:

We are counsel to plaintiffs. Pursuant to Order of Reference made on May 24, 2022, Dkt. No. 28, the referenced case was referred to Your Honor for “General Pretrial” purposes. Accordingly, we are submitting this letter motion for the following relief:

1. Additional time to respond to the motion by defendant VNUE, Inc. (“VNUE” or “defendant”) for leave to file an amended answer and counterclaim; and
2. A conference for the purpose of (a) addressing defendant’s failure to comply with outstanding discovery requests and (b) adjusting and extending the dates contained in the Case Management Plan and Scheduling Order.

With regard to the time to file opposition to the motion for leave to file an amended answer and counterclaim, defendant filed it on May 3, 2022. Dkt. No. 21. Prior to filing the motion, defendant did not contact us regarding a briefing schedule and the Court, thereafter, did not fix a schedule for the motion. In an email that I transmitted on May 20, 2022, I proposed dates for briefing the motion. Defendant’s counsel responded by filing to the docket a “Notice of Non-Opposition.” Dkt. No. 25. Thereafter, by letter motion to Judge Vernon S. Broderick, I requested time to respond to defendant’s motion. Dkt. No. 26. The Court granted the letter motion, giving plaintiffs until June 3, 2022 to file opposition. Dkt. No. 27.

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This morning, I requested of defendant's counsel an addition week to file opposition. As I explained in my email, my daughter came down with Covid this past weekend "which has put a wrench in the works for my wife and me." The problem is that our daughter is home from school for at least a week and requires care as well as supervision in completing year-end projects. She is in fifth grade and her final year of elementary school. I am feeling some Covid symptoms but, so far, am testing negative.

Late this afternoon, defendant's counsel declined my request for additional time to file opposition because of the "high likelihood" of defendant's motion being granted by the Court. A copy of the string of emails exchanged between counsel is annexed. Plaintiffs do not share defendant's rosy opinion of its motion for leave to file an amended answer and counterclaim, which seeks, *inter alia*, to add parties and unrelated claims and thereby postpone the adjudication of its liability.

Accordingly, plaintiffs respectfully request that an order issue to permit them until June 10, 2022 to file opposition to defendant's motion.

With regard to outstanding discovery and defendant's failure to adhere to the Case Management Plan and Scheduling Order, Dkt. No. 19, this action concerns a series of investments/loans made by plaintiffs in defendant. In exchange for their investments, plaintiffs obtained seven convertible promissory notes, six of which were twice amended when defendant could not repay principal and interest. The seventh note was issued subsequent to the amendments. There is no dispute that the loans were made and remain outstanding.

The promissory notes contain conversion features that enabled the conversion of all or portions of principal and interest into shares of the common stock of VNUE, a public company. In addition to defaulting on the payment of principal and interest, VNUE has blocked plaintiffs from converting principal or interest into stock. VNUE made two interest payments in 2019 but did not make any other payments. Six partial conversions of one note were made but, thereafter, VNUE discharged its transfer agent (which was contractually bound to honor conversions and issue stock to plaintiffs) and will not permit its new agent to process plaintiffs' conversion requests.

In response to the relatively simple contract issues presented by this case, defendant has adopted a strategy of stalling and diversion. As to the former, it responded to plaintiffs' document requests with a frivolous objection that it need not produce relevant records and communications because they already were in plaintiffs' possession. Only after plaintiff prepared a draft of a joint letter presenting the issue to the Court did defendant abandon the objection. It promised to produce documents by May 13, 2022. When the documents were not produced, I raised the issue in the email that I transmitted on May 20, 2022. Counsel responded with a new excuse for failing timely to produce defendant's records. To date, defendants have produced only three documents.

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As for the issue of defendant's effort at diversion, that will be addressed in plaintiffs' opposition to defendant's motion for leave to file an amended answer and counterclaim.

In sum, a revised discovery schedule is required on account of defendant's delay in producing its documents. We respectfully request that a conference be scheduled for that purpose.

Respectfully,

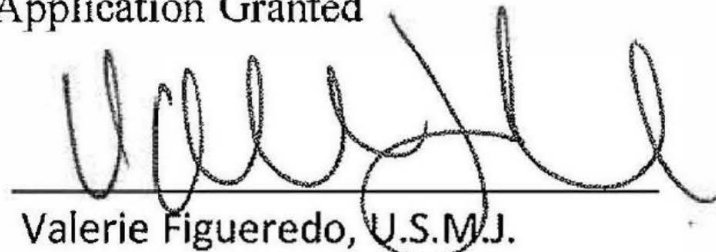


Daniel S. Steinberg

Encl.

cc: Gustave P. Passanante, Esq. (via CM/ECF)

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: 6-3-2022

Plaintiffs' deadline to respond to Defendant's motion for leave to file an amended answer and counterclaim is extended to **June 10, 2022**. In addition, a discovery conference is hereby scheduled for **June 16, 2022 at 11 a.m.** Any response to this letter by Defendant shall be filed no later than **June 10, 2022**.